



# Mental Health (Care and Treatment) (Scotland) Act 2003

## 2003 asp 13

### PART 4

#### HEALTH BOARD AND LOCAL AUTHORITY FUNCTIONS

#### CHAPTER 2

#### LOCAL AUTHORITY FUNCTIONS

#### *Co-operation and assistance*

#### **30 Co-operation with Health Boards and others**

- (1) In providing services for a person under any of sections 25 to 27 of this Act, a local authority shall co-operate with any—
- (a) Health Boards;
  - (b) Special Health Boards;
  - (c) National Health Service trusts; or
  - (d) voluntary organisations,

that appear to the authority to have an interest, power or duty mentioned in subsection (2) below.

[<sup>F1</sup>(1A) If, in pursuance of an integration scheme prepared under section 1 or 2 of the Public Bodies (Joint Working) (Scotland) Act 2014, a local authority delegates the carrying out any of the functions conferred by sections 25 to 27 of this Act—

- (a) subsection (1) applies to the person to whom the functions are delegated as it applies to a local authority; and
- (b) the person to whom the functions are delegated must co-operate with the local authority if it appears to the person that the authority has an interest, power or duty mentioned in subsection (2)(b) below.]

- (2) Such an interest, power or duty is—

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*Changes to legislation: Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Co-operation and assistance is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) an interest in the provision of services by the local authority under any of sections 25 to 27 of this Act; or
  - (b) a power or duty to provide or secure the provision of services, or an interest in the provision of services,
- for the person.

#### Textual Amendments

**F1** S. 30(1A) inserted (1.4.2015) by [The Public Bodies \(Joint Working\) \(Scotland\) Act 2014](#) (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), **sch. para. 7(2)**

#### Commencement Information

**II** S. 30 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

### 31 Assistance from Health Boards and others

- (1) Where it appears to a local authority that the assistance of a Health Board, a Special Health Board or a National Health Service trust—
  - (a) is necessary to enable the authority to perform any of their duties under section 25 or 26 of this Act; or
  - (b) would help the authority to perform any of those duties,
 the authority may request the Health Board, Special Health Board or National Health Service trust to co-operate by providing the assistance specified in the request.
- (2) A Health Board, a Special Health Board or a National Health Service trust receiving a request under subsection (1) above shall, if complying with the request—
  - (a) would be compatible with the discharge of its own functions (whether under any enactment or otherwise); and
  - (b) would not prejudice unduly the discharge by it of any of those functions, comply with the request.
- (3) This section is without prejudice to section 21 of the Children (Scotland) Act 1995 (c. 36) (which enables a local authority to require assistance from a Health Board, a National Health Service trust or others in the exercise of the authority's functions under Part II of that Act) [<sup>F2</sup>and section 183 of the Children's Hearings (Scotland) Act 2011 (asp 1) (which enables a local authority to obtain assistance from another local authority or a health board in the carrying out of the authority's functions under the Act)].

#### Textual Amendments

**F2** Words in s. 31(3) inserted (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013](#) (S.S.I. 2013/211), art. 1, **sch. 1 para. 13**

#### Commencement Information

**I2** S. 31 in force at 5.10.2005 by [S.S.I. 2005/161](#), **art. 3** (as substituted (1.7.2005) by [S.S.I. 2005/375](#), art. 2 and as amended (22.9.2005) by [S.S.I. 2005/459](#), art. 2)

**Changes to legislation:**

Mental Health (Care and Treatment) (Scotland) Act 2003, Cross Heading: Co-operation and assistance is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(8A)(8B) inserted by [2015 asp 9 s. 1\(2\)](#)
- s. 65(7) inserted by [2015 asp 9 s. 1\(3\)](#)